THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.20231 OF 1997

-

DATED: 18-04-2006

BETWEEN

C. Vijayanand,

S/o. Late C.K. Chowdary,

R/o. Jubilee Hills,

Hyderabad.

...PETITIONER

AND

Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad,

Rep. by its Special Officer and

another.

...RESPONDENTS

ORDER:

-

-

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in interfering with the lawful possession of the petitioner in an extent of 155 sq. yards on the Northern side of Plot No.270-F, Road No.10, Jubilee Hills, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the member of the second

respondent society bearing membership No.4275 and was allotted Plot No.270-F in the said society admeasuring 1,666 sq. yards in Sy.No.Old 403/1 (New 120) of Shaikpet village, but the registration was made in favour of the petitioner initially to an extent of 1191 sq. yards on 05.03.1980 and subsequently another extent of 320 sq. yards on 30.07.1988.

He further submits that total extent of 1511 sq. yards was registered in favour of the petitioner leaving an extent of 155 sq. yards, which is yet to be registered. The petitioner raised a dispute before the Arbitrator in ARC.No.11 of 1995 and the arbitrator held that the said extent of 155 sq. yards should be registered in favour of the petitioner. Against which the second respondent society preferred CTA.No.21 of 1996 before the Cooperative Tribunal and the tribunal allowed the appeal. Against which the petitioner filed CRP.No.2480 of 1997, which was allowed on 31.12.2002. The learned counsel further submits that there is no dispute with regard to 155 sq. yards but the first respondent seeks to demolish the compound wall enclosing the extent of 155 sq. yards along with some other property as it has been earmarked for park and other public purposes and they want to take possession of the same. Petitioner along with some others earlier filed WP.No.10004 of 1995 and batch, which was disposed on 17.07.2003. The learned counsel further submits that in view of the orders passed in WP.No.10004 of 2005 and batch no further orders are necessary in this writ petition.

Recording the above submission, the writ petition is accordingly closed. No costs.

_____

V. ESWARAIAH, J

April 18, 2006

DSK